

FILED  
U.S. DIST. COURT  
BRUNSWICK DIV.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

2006 JAN 19 P 2:4

CLERK *J. Moore*  
S. DIST. OF GA.

MELVIN ANDERSON,

Plaintiff,

vs.

CIVIL ACTION NO.: CV204-139

HARLEY G. LAPPIN; KATHLEEN  
HAWK-SAWYER and HARRELL  
WATTS,

Defendants.

ORDER

After an independent review of the record, the Court concurs with the Report and Recommendation of the Magistrate Judge, to which Plaintiff filed Objections. In his Objections, Plaintiff generally argues that the Magistrate Judge acted in a biased and prejudiced manner by inappropriately granting summary judgment to Defendants Lappin, Hawk-Sawyer, and Watts ("Defendants"). Plaintiff asserts that the Defendants have not challenged the substance of his claim and there are genuine issues of material fact to be considered. Plaintiff contends that the Defendants, as employees of the Federal Bureau of Prisons, are responsible for his "illegal" transfer and the administration of "unauthorized" medicine. (Pl.'s Obj. at pp. 2 and 8.) Plaintiff avers that Defendants were personally involved in the deprivation of his civil and constitutional rights and were on notice of violations against him, but failed to act despite a duty to do so. Plaintiff avers that

Defendants are using the declaration of Luis Burgos in a fraudulent manner. To support his Objections, Plaintiff submits an affidavit reasserting the statements in his original Complaint and Objections.

The Magistrate Judge appropriately addressed Plaintiff's claims and correctly concluded that Defendants may not be held liable under a theory of respondeat superior. See Gonzalez v. Reno, 325 F.3d 1228, 1234 (11<sup>th</sup> Cir. 2003). Further, Plaintiff's allegations of fraud are conclusory and unsupported by the evidence of record.

Plaintiff's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. The Motion for Summary Judgment is **GRANTED**. Plaintiff's Complaint is **DISMISSED**. The Clerk of Court is authorized and directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 19<sup>th</sup> day of January, 2006.

Anna A. Alino  
JUDGE, UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA